

Exhibit N

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF OREGON

3 UNITED STATES OF AMERICA,)

4 Plaintiff,)

No. 05-60008-2-HO

5 v.)

August 31, 2010

6 PIROUZ SEDAGHATY, et al.,)

Eugene, Oregon

7 Defendants.)

8
9 PARTIAL TRANSCRIPT OF TRIAL PROCEEDINGS

10 BEFORE THE HONORABLE MICHAEL R. HOGAN

11 UNITED STATES DISTRICT COURT JUDGE, AND A JURY

12 DAY 2 A.M. SESSION - PAGES 1 - 122

13
14 -:-

15
16
17
18
19
20
21
22
23 Deborah Wilhelm, CSR, RPR
Court Reporter
24 P.O. Box 1504
Eugene, OR 97440
25 (541) 431-4113

1 THE CLERK: Please take the witness stand and
2 please watch your step. Your microphones are the two
3 buttons along here, so if you would watch your paperwork
4 along here.

5 THE WITNESS: Okay.

6 THE CLERK: There is water here. Let me get
7 you a glass.

8 THE WITNESS: There is some here.

9 THE CLERK: Thank you. Would you please state
10 your name for the record, spelling your last name.

11 THE WITNESS: Linda Czemerys, C-Z-E-M-E-R-Y-S.

12 DIRECT EXAMINATION

13 BY MR. CARDANI:

14 Q. Good morning.

15 A. Good morning.

16 Q. What is your occupation?

17 A. Right now I am a supervisory special agent for
18 the Boise, Idaho, office.

19 Q. Of what?

20 A. Of the -- I'm sorry -- IRS Criminal Division.

21 Q. Okay. Internal Revenue Service's Criminal
22 Investigation Division. And you are a supervisor in
23 Boise?

24 A. That's correct.

25 Q. Okay. How long have you been with the IRS?

1 A. I've been with the IRS for 26 years.

2 Q. Were you working on the morning of February 18,
3 2004?

4 A. Yes, I was.

5 Q. And what did you do that morning?

6 A. That morning, we executed a search warrant in
7 Ashland, Oregon. One of my responsibilities at that
8 warrant was the seizing officer.

9 Q. What's the address of the building?

10 A. 3800 South Highway 99, Ashland, Oregon.

11 Q. Prior to executing the search warrant, did you
12 have an opportunity to review and discuss what items
13 were relevant to the search warrant?

14 A. Yes.

15 Q. Were there a number of agents that participated
16 in this warrant?

17 A. Yes, there was approximately 17 agents.

18 Q. Is that custom in a search warrant of -- for
19 IRS of a business?

20 A. Yes.

21 Q. What time of day was the warrant served?

22 A. The warrant was served at 7:55 a.m. that
23 morning.

24 Q. All right. You said that your role was what,
25 seizing?

1 A. I was the seizing officer.

2 Q. All right. What does a seizing officer do?

3 A. What the seizing officer does is make sure that
4 the evidence that is being seized at the site is
5 seizable per Attachment B part of the affidavit with a
6 list of items to be seized. So I make sure that when
7 the agents find something, they leave it there in place,
8 I look at it, they photograph it, they bring it up to
9 the table, it's logged in, and then it's bagged. What
10 we call bagged and tagged, and then put in a box.

11 Q. Are you the case agent in this investigation?

12 A. No, I am not.

13 Q. Who is the case agent?

14 A. Special Agent Colleen Anderson.

15 Q. Was she present at the warrant as well?

16 A. Yes, she was.

17 Q. And was she there to be able to consult with
18 concerning items within the scope of the warrant?

19 A. Yes, she was.

20 Q. I'd like to show the witness SW-66, please.
21 Agent Czemerys, can you identify the picture in SW-66?

22 A. Yes. That is the residence where we executed
23 the search warrant. That photo is also attached to the
24 affidavit.

25 Q. Can you describe the premises.

1 A. The premises was a single level house with a
2 basement underneath. And it's approximately over
3 4000 square feet, on some acreage.

4 Q. And I'd like to next show you SW-64, a picture
5 of that same building in the upper left-hand corner.

6 A. Yes.

7 Q. Have you had an opportunity prior to coming
8 into court to examine SW-64 to determine whether it's a
9 fair depiction roughly of the internal premises of the
10 al-Haramain building?

11 A. Yes, I have.

12 Q. Is it?

13 A. Yes, it is.

14 Q. Let's go to the second page first. This was a
15 multistory building.

16 A. Correct.

17 Q. Is this the upper level? Can you describe
18 generally the premises of the upper level.

19 A. Yes. As you walk in the front door, there was
20 a living room, quite a large living room, on the
21 right-hand side. Left-hand side was an open room that
22 appeared to be the prayer room. There was the kitchen
23 attached to the living room. And as you went further
24 down to the kitchen area, there was an office with
25 several smaller rooms off on the right-hand side there.

1 And on the left-hand side, there were several bedrooms
2 and a bathroom.

3 Q. All right. Now, there is references to -- if
4 we go to the living room, we see Seda 1 and 2 computer
5 tower bar code. Can you explain that reference?

6 A. That is where a computer was found in the
7 living room on the floor. Within that computer, there
8 were two hard drives within the computer tower.

9 Q. All right. Why does it say Seda 1 and 2 on
10 that?

11 A. That is the names that the computer forensic
12 person gave to the two hard drives that were found in
13 that computer.

14 Q. Okay. And you mentioned earlier about
15 taking -- customary to take pictures and try to document
16 where evidence was before it's seized.

17 A. Yes.

18 Q. All right. To the best of your knowledge, does
19 Exhibit 64 fairly depict the location of various
20 computers that were taken pursuant to the warrant?

21 A. Yes, it does.

22 Q. So room A, if we can go into room A for a
23 minute on that same diagram, you see a number of other
24 computer, electronic types of evidence that were taken?

25 A. Yes.

1 Q. We'll come back to upstairs in a few minutes.
2 But could we go downstairs now. Okay. Please describe
3 the downstairs of this building.

4 A. Well, there was a downstairs living area, and
5 then to the front of that was an office, and then you
6 could go to -- through the office you could go to a
7 bedroom on the left. And then there was a bedroom on
8 the right, but you have to enter through another door.
9 And through that office, you could also enter out the
10 back onto the back porch there. And then to the left,
11 there was a kitchen area, and then also it led out into
12 the garage.

13 Q. Okay. So if we could focus on room X for a
14 minute. Once again, there are references to computers
15 6, and then 8 and 9, and 10, do you see that?

16 A. Yes.

17 Q. All right. We have a picture of this room, I
18 think, later on in this exhibit, the last page of SW-64.
19 Does this -- are these pictures of room X?

20 A. Yes, they are.

21 Q. Taken the day of the warrant?

22 A. Correct.

23 Q. Okay. And we see some computers there?

24 A. Yes.

25 Q. Okay. Okay. If we go back to the lower level

1 and blow up room X again, please. All right. So,
2 again, those references to the computer in the upper --
3 Seda 8 and 9 was a Hewlett-Packard Pavilion computer.
4 And there are numbers associated with that. Is that
5 internal record keeping for IRS purposes?

6 A. Yes. Normally they try to write down the
7 serial numbers on the computers so they are easily
8 matched to that unit.

9 Q. Again, to the best of your knowledge, does the
10 location of Seda 8 and 9, and the one down below it,
11 Seda 6, fairly depict where in room X these computer
12 hard drives were found?

13 A. Yes, it does.

14 Q. If we go back to -- there we go. Now, Agent
15 Czemerys, was there anybody present physically when you
16 and the other agents served the search warrant?

17 A. Yes. When we were getting ready to make entry,
18 Jonah Sedaghaty was present. He came out. And also
19 present was his girlfriend.

20 Q. Did they appear to live there?

21 A. Yes, on the bottom floor, yes.

22 Q. And at the time the warrant was served, was
23 there anybody else present?

24 A. No, there was not.

25 Q. Was the defendant Pirouz Sedaghaty there?

1 A. No, he was not there.

2 Q. What's the procedure in terms of seizing
3 computers when there is a large amount of information on
4 them?

5 A. Well, when computers are found at the site,
6 we -- we always have a computer forensic person who is a
7 special agent who is special trained to take possession
8 of the computers. So when we find one, we call them
9 down. They look at it. They kind of do a -- look at it
10 to see if there is -- whether they need to image it
11 right there on site, if they have the time to do that,
12 or if we just need to take it and then image it at our
13 office because it's going to take too long.

14 And at this site, finding as many as we did,
15 there was no way that they could be imaged on-site. So
16 he came down, he takes down all the serial information
17 off the computers, we photograph it in place, and then
18 he takes possession of those computers.

19 Q. This was Rick Smith?

20 A. That's correct.

21 Q. And what's his role within IRS?

22 A. Rick Smith is a special agent with the IRS, but
23 he's our computer specialist, computer forensic person
24 who examines -- who images the hard drives, and then
25 examines and takes out the information.

1 Q. To the best of your knowledge, were the
2 computers referenced in here taken by IRS pursuant to
3 the warrant, copies made, mirror copies made, and the
4 originals returned to the owner of the premises?

5 A. That's correct.

6 Q. Now, if we go back to the diagram of the
7 upstairs, you have -- do you have a file in front of
8 you, an Exhibit SW-1?

9 A. I don't have those in front of me.

10 Q. All right. I'd ask that the clerk get SW-1.
11 And before you move on, when you said there were two
12 people present, did you identify who they were?

13 A. Yes.

14 Q. All right. Who were they?

15 A. It was Jonah Sedaghaty.

16 Q. Who do you understand him to be?

17 A. The son of the defendant.

18 Q. Okay.

19 A. And his girlfriend Christina Kaiser --
20 Stephanie, excuse me, Stephanie Kaiser.

21 Q. SW-1, do you see that in front of you?

22 A. Yes.

23 Q. What is it?

24 A. It is two videotapes.

25 Q. Okay. Were those taken pursuant to the search

1 warrant?

2 A. Yes, they were.

3 Q. Where were they found?

4 A. They were found in the living room on some
5 metal shelving.

6 Q. Okay. And in conjunction here, if you point to
7 your screen, if you could just touch the screen and
8 roughly show us where those videotapes were found.

9 A. Okay. Can we make it a little bigger? There
10 we go. They were found right over here in this area.

11 Q. Was there a TV near there?

12 A. No. The TV is over by the fireplace area.
13 The -- there was a metal shelving, and then there were
14 sliding glass doors that went out onto the deck.

15 Q. There are two videotapes in SW-1?

16 A. Yes.

17 Q. Did you find other videotapes in that same
18 vicinity?

19 A. Yes. There were several videotapes in that --
20 on that shelving area.

21 Q. About how many?

22 A. I would say there is approximately 25 to 30
23 videotapes in that area.

24 Q. All right. Could you take a look at SW-2 on
25 the screen.

1 A. (Witness complies.)

2 Q. Can you identify that?

3 A. That is photographs that were found at the
4 scene that were taken.

5 Q. All right. And SW-3?

6 A. Same, photographs that were taken at the
7 warrant site.

8 Q. And SW -- does that look familiar as the -- do
9 you know if that is a picture taken inside the premises
10 or not?

11 A. Yes. They are inside the kitchen at the search
12 warrant site.

13 Q. Okay. And those weren't the day of the
14 warrant, those were just photos found during the
15 warrant?

16 A. Correct.

17 Q. Likewise SW-4?

18 A. Yes, photos found at the search warrant site.

19 MR. CARDANI: That's all I have. Thank you.

20 THE COURT: Cross.

21 CROSS-EXAMINATION

22 BY MR. WAX:

23 Q. Good morning.

24 A. Good morning.

25 Q. Tell me, please, the pronunciation of your

1 name.

2 A. Czemerys.

3 Q. So, Agent Czemerys, this search was conducted
4 in 2004, correct?

5 A. That's correct.

6 Q. The issues in this indictment involve activity,
7 as you understand it, in and around the year 2000 in
8 part, do you understand that to be true?

9 A. I understand that the -- it was an issue with
10 regards to a 2000 tax return.

11 Q. Okay. In the year 2000, do you know where
12 Mr. Seda was living?

13 A. I don't have that knowledge, no.

14 Q. Okay. Are you aware that he was at that point
15 living at Valley View Road, and that this home and
16 prayer house that you searched was not in use at that
17 time?

18 A. I'm not aware of that, no.

19 Q. Do you know where the computers that were
20 seized were located or if they were even present in
21 their existing configuration in 1999 or 2000?

22 A. I don't have that knowledge, no.

23 Q. In looking at the diagrams that you were just
24 shown, I believe that they depicted kitchens on both
25 floors of the building?

1 A. Correct.

2 Q. There are bedrooms on both floors of the
3 building?

4 A. Correct.

5 Q. You've indicated that the time that you
6 conducted the search, it was apparent to you that at
7 least one, if not both, of Mr. Seda's sons were residing
8 there?

9 A. When we executed the warrant, Jonah Seda was
10 there with his girlfriend.

11 Q. In looking around the place, I've got a teenage
12 son, and I don't know what your background is, but did
13 it appear as though some of the area was in the type of
14 disarray that one might find with late teenage boys or
15 early 20-year-old boys living someplace?

16 A. Yes, it was messy.

17 Q. In part, sort of teenagey messy?

18 A. Could be teenagey messy, yes.

19 Q. Okay. With respect to the few photographs that
20 you indicated were taken during the search, if I recall
21 correctly, during the course of the search, you found or
22 observed many hundreds of photographs that you did not
23 take; is that correct?

24 A. Well, they took a whole box of photographs,
25 from my recollection, that was down in the downstairs

1 office.

2 Q. Okay. But in terms of that box -- whole box of
3 photographs that was taken, do you recall that many of
4 them were family type photographs?

5 A. I don't recall.

6 Q. Do you recall that some of them depicted
7 activities in and around Ashland, Oregon?

8 A. I don't recall because I did not go through
9 them.

10 Q. All right. Do you recall that some of them
11 showed Mr. Seda engaged in his business as an arborist?

12 A. I don't recall that.

13 Q. Do you recall that some of them showed Mr. Seda
14 engaged in Fourth of July activities in the city of
15 Ashland?

16 A. I don't recall.

17 Q. But there is no question that there were many,
18 many, many photographs that were there and the few that
19 you have just identified are a very small section or
20 subset of a large collection of photos; is that correct?

21 A. That's correct.

22 Q. Now, with respect to the items that you
23 observed in the house, in looking through the notes or
24 reports that were made, I thought I saw that you had
25 observed a rather lengthy list of book -- books, do you

1 recall that? Did you check your notes -- well, first of
2 all, do you recall that?

3 A. Like a handwritten list?

4 Q. No, no, a typed inventory type list, many, many
5 pages of books.

6 A. I don't recall that.

7 Q. Would it help you to look through your notes to
8 see -- or the notes of the search to see if it was
9 reported that there was a typewritten list of books that
10 was observed?

11 A. Was it something that we seized or it was
12 something --

13 Q. No, it was something that you left.

14 A. Yeah. Can I look real quick?

15 Q. Yes, please.

16 A. I see on my list of photos that were taken that
17 there was -- there is two items here. Books, then it
18 says sample of books, and then there is another one
19 sample of books.

20 Q. All right. Do you recall there being many,
21 many books in the premises?

22 A. There were several books, yes.

23 Q. Well, it was more than several, wasn't it?
24 Perhaps thousands?

25 A. I don't remember there being thousands, but I

1 just don't have that recollection.

2 Q. Do you recall there being books on shelves?

3 A. Yes.

4 Q. Do you recall there being books in boxes?

5 A. Yes.

6 Q. Do you recall there being many different books
7 around?

8 A. Yes.

9 Q. Did you look through all those books?

10 A. No.

11 Q. Do you -- did you seize all those books?

12 A. No.

13 Q. In fact, you seized very few books, is that not
14 correct?

15 A. That's correct.

16 Q. Do you recall that of the many books that were
17 there, some had nothing to do with Islam?

18 A. I don't have that knowledge, but it could
19 probably be true.

20 Q. Do you recall that of the many books that were
21 there that did involve Islam, many were of a very
22 moderate nature?

23 A. I don't know that. I didn't read them.

24 Q. Do you recall that there were any number of
25 Qur'ans in the premises?

1 A. I don't know.

2 Q. Do you recall that of the many Qur'ans that
3 were there, some had the call to jihad that Mr. Cardani
4 mentioned in his opening statement and many did not?

5 A. I don't recall that.

6 Q. Did you look through all of the Qur'ans that
7 were there?

8 A. I did not, no.

9 Q. Did you look through and see if there were, in
10 addition to the Noble Qur'an, the one that Mr. Cardani
11 mentioned, there were other Qur'ans?

12 A. I don't recall.

13 Q. I don't know what your faith is, and pardon me
14 if this question is not one that relates, but are you
15 familiar with various versions of the Christian Bible,
16 that there are a number of versions of the Christian
17 Bible?

18 A. Yes, I'm familiar with that.

19 Q. And are you aware that there are a number of
20 versions of the Holy Qur'an?

21 A. That, I don't know. I don't have particular
22 knowledge of that.

23 Q. In the course of the search, you have indicated
24 you did not make any effort to inventory the many, many
25 books that were present?

1 A. No. Correct.

2 Q. You did not make an effort to determine how
3 many of those books might have had a call to jihad in
4 them and how many did not?

5 A. No.

6 Q. You did not make an effort to determine how
7 many of those books had nothing to do with religion?

8 A. No.

9 Q. How many of those books were of a completely
10 moderate mainstream description of Islam?

11 A. No.

12 Q. How many of those books describe a Westernized
13 view of how Muslims might or might not live in America?

14 MR. CARDANI: Judge, I object at this point,
15 she doesn't know.

16 THE COURT: Go on to the next, please.

17 MR. WAX: Thank you.

18 BY MR. WAX:

19 Q. With respect to the videotapes, you have
20 identified these two tapes in front of you. I believe
21 that you indicated that your recollection is there were
22 perhaps 25 or 30 tapes on the metal shelves that you
23 described; is that correct?

24 A. Correct, that's correct.

25 Q. Do you recall that in another place in the

1 building in what might have -- be described as a prayer
2 room, there was a set of wooden bookshelves, perhaps an
3 entertainment center, do you recall that?

4 A. I do recall there being an entertainment
5 center, and there was a TV there, and next to the TV,
6 there were also several videos in that area.

7 Q. Do you recall there being another 25 or 30
8 videos in that area?

9 A. Yeah, I think there were probably a few less in
10 that area, but, yes, there were probably 20 to 25 videos
11 in that area.

12 Q. Do you recall that in the search, you also
13 located another, perhaps, 350 videos in two -- I'm not
14 sure exactly how to describe them. And they sort of
15 look like storage units, but -- well, first of all, do
16 you recall there being several green metal structures
17 that you also searched?

18 A. Yes. There were two what we called trailers
19 out in the back that were green that were also searched.

20 Q. And do you recall that one of them looked like
21 it might have been set up as an office with a desk in
22 it?

23 A. I don't recall that there is a desk in it,
24 but --

25 MR. WAX: May I have a moment, please, Your

1 Honor?

2 THE COURT: Yes.

3 (Discussion held off the record.)

4 MR. WAX: Your Honor, I'm not sure how you want
5 to handle this. We have marked one of the photographs
6 that I would like to show the witness.

7 THE COURT: The clerk will assist you.

8 MR. WAX: I have it electronically. I'm not
9 sure that I have it in hard copy. So if we can show it
10 just to the witness, please.

11 THE COURT: Has it been received?

12 MR. WAX: It has not. I was not aware that I
13 would need to show it to refresh her recollection, which
14 is what I would need to do right now. I have a hard
15 copy, I believe, that I can show to the witness if that
16 would be easier at this point.

17 THE COURT: Yes. Please give it a number.

18 MR. WAX: We have this marked for
19 identification as Exhibit 1034.

20 THE COURT: Thank you.

21 BY MR. WAX:

22 Q. Do you have 1034 in front of you now?

23 A. Yes, I do.

24 Q. Is that one of the photographs that was taken
25 during the course of the search provided to the

1 government, which the government then provided to us?

2 A. Yes.

3 MR. WAX: I would offer that exhibit, Your
4 Honor.

5 MR. CARDANI: Can we identify what it is?
6 Where it was taken from? Just in aid of objection, I'm
7 not going to object to this, I just want to know where
8 it was taken from.

9 THE COURT: Do you know where it was taken
10 from?

11 THE WITNESS: Yes. It appears to be one of the
12 trailers. I have all the photos here, to see if I have
13 the exact same one, if that's okay.

14 MR. CARDANI: One of the trailers, no
15 objection.

16 THE COURT: It's received.

17 BY MR. WAX:

18 Q. Do you also recall in the trailers there being
19 perhaps another 350 videotapes?

20 A. Yes. We took several boxes of videotapes out
21 of the trailer.

22 Q. Did you go through those videotapes?

23 A. I did not go through them.

24 Q. Do you know whether some of them are copies of
25 news stories from CNN?

1 A. I don't have that knowledge, no.

2 Q. Do you know whether some of them are copies of
3 new stories from the History Channel?

4 A. I do not know. I didn't look at them.

5 Q. You didn't look at them at all?

6 A. No.

7 Q. Do you recall that among the items that you
8 saw, there was a box -- there were several boxes that
9 had a label on them called "Pete's cloth" or "Pete's
10 tapes" or things of that nature?

11 A. I do recall there were several boxes that said
12 "Pete's clothes," I thought.

13 Q. Do you recall a box that said "Pete's tapes"?

14 A. As I recall when I looked through my photos,
15 the majority of the boxes said "tapes" on them. Whether
16 they said "Pete's tapes" on them, I don't recollect
17 that.

18 MR. WAX: Your Honor, could we show the witness
19 an item we've had marked as Exhibit 1047 for
20 identification.

21 THE COURT: Yes.

22 BY MR. WAX:

23 Q. Do you have 1047 in front of you?

24 A. Yes, I do.

25 Q. Do you recall boxes of that nature being

1 observed, having the photograph taken, or seeing the
2 photograph?

3 A. Yes, I do.

4 Q. Does that refresh your recollection that there
5 was a box that was identified as "Pete's" something and
6 then the word "tapes" on it?

7 A. Yes, I do.

8 Q. All right. With respect to the house and the
9 living arrangements in the house, do you have any
10 knowledge of the number of people who might have lived
11 there, whether on a prolonged basis or a temporary
12 basis, from the time that Mr. Seda first moved in until
13 the time of the search?

14 A. No, I do not.

15 Q. Do you have any knowledge of the number of
16 people who might have brought books or tapes or other
17 literature into the premises?

18 A. No, I do not.

19 Q. Do you know -- have any idea how many people or
20 which people would have access to or used what computers
21 at what different times?

22 A. No, I do not.

23 MR. WAX: Thank you. I have no further
24 questions.

25 THE COURT: Redirect.

REDIRECT EXAMINATION

BY MR. CARDANI:

Q. Mr. Wax asked you about whether you were aware of all this other material that was in the building. Were you part of the actual searching team looking for items pursuant to the warrant?

A. No.

Q. What was your role?

A. My role was a seizing officer, to make sure whatever the searching team found fit into the items to be seized, and then to take possession of it.

Q. I'm sorry?

A. And then to take possession of it and get it logged in.

Q. So others are out there, looking for items, they bring them to you, you compare it to the warrant, right?

A. That's correct, that's correct.

Q. And Special Agent Anderson is there for guidance as well?

A. Yes.

Q. And the mindset is, is this within the scope of the warrant?

A. That's correct.

Q. Okay. Now, Mr. Wax asked you about green

1 trailers. So how many trailers were on the premises, if
2 you know?

3 A. There were two trailers on the back of the
4 premises.

5 Q. All right. And if we could bring up SW-66. Do
6 you know the acreage of the property, roughly?

7 A. Roughly, as I recall, I thought it was at least
8 on a couple of acres.

9 Q. Okay. Now, where, in connection with this
10 picture, were the trailers, can you point?

11 A. Well, you can't -- they are kind of behind the
12 house. If you go around the right corner, they are
13 right back there.

14 Q. Okay. And how far were they from the house,
15 roughly?

16 A. Roughly, I'm really not good with measurements,
17 but like -- they were like from me to that white board,
18 so they were very close to the residence.

19 Q. Are you aware of other items that were found in
20 the green trailers?

21 A. Yes, I am.

22 Q. Are you aware of whether there were firearms in
23 the green trailers?

24 A. Yes, there were.

25 Q. Do you know about how many firearms were in the

1 green trailers?

2 A. We found approximately ten firearms.

3 MR. WAX: Your Honor, I object on grounds of
4 relevance, and it's beyond the scope of anything that
5 was asked.

6 THE COURT: Mr. Cardani.

7 MR. CARDANI: I think it's directly related to
8 the cross-examination talking about the nature of
9 Pete's -- the defendant's --

10 THE COURT: Overruled. Go ahead.

11 BY MR. CARDANI:

12 Q. Are you aware of the number and type of
13 firearms that were found in the green trailers?

14 A. There were ten firearms found in the green
15 trailers.

16 Q. Did they include a 9-millimeter semiautomatic
17 pistol, Glock?

18 A. Yes.

19 Q. With fully loaded magazines?

20 A. Yes.

21 Q. Did it include another 9-millimeter
22 semiautomatic pistol?

23 A. Yes.

24 Q. With three pre-band fully loaded magazines?

25 A. Yes.

1 Q. And two more of those same weapons?

2 A. Yes.

3 Q. .44 Magnum revolver?

4 A. Correct.

5 Q. .22 semiautomatic pistol?

6 A. Yes.

7 Q. Ruger P89, two fully loaded magazines?

8 A. Yes.

9 Q. 12-gauge shotgun?

10 A. Yes.

11 Q. Ruger .22 carbine?

12 A. Yes.

13 Q. With a scope?

14 A. Yes.

15 Q. And another .22 carbine?

16 A. Yes.

17 Q. Now, were those taken?

18 A. No, they were not.

19 Q. Why not?

20 A. They were not within the scope of the items to
21 be seized.

22 Q. But documents -- the weapons were inventoried,
23 nevertheless?

24 A. They were inventoried and photographed,
25 correct. I shouldn't really say inventoried. We wrote

1 down the weapons and the serial numbers, but we did not
2 seize them.

3 MR. CARDANI: That's all I have.

4 RECROSS-EXAMINATION

5 BY MR. WAX:

6 Q. Are you aware that all those weapons were
7 lawfully possessed?

8 A. I did not have direct knowledge of that, but I
9 believe we had somebody from ATF run their serial
10 numbers.

11 Q. And you learned that they were all lawfully
12 possessed?

13 A. Correct.

14 Q. So it wasn't just that they were not within the
15 scope of the warrant, there was nothing illegal about
16 them, the handguns or the long guns, correct?

17 A. I believe that's correct.

18 Q. You also don't have any personal knowledge
19 about whether or not they were all owned by Mr. Seda?

20 A. I do not know that, no.

21 Q. And you've indicated that Mr. Seda was not
22 present at the time of the search?

23 A. That's correct.

24 MR. WAX: Thank you.

25 MR. CARDANI: No further.

1 THE COURT: You may step down. Call your next
2 witness, please.

3 MR. CARDANI: Jeremy Christianson.

4 MR. WAX: Your Honor, I don't believe I offered
5 the second exhibit. I would do so now.

6 MR. CARDANI: No objection.

7 THE COURT: Received, 1047. Thank you.

8 MR. WAX: Could we show both of those to the
9 jury? I'm not sure if they were shown to the jury
10 during the testimony.

11 THE COURT: I want to put this witness on the
12 stand now. You can do that later. Go ahead.

13 MR. WAX: Thank you.

14 THE CLERK: Sir, please step forward and raise
15 your right hand.

16 (The witness was sworn.)

17 THE CLERK: Thank you. Please step forward.
18 Please watch your step. There is a couple of steps
19 there. Your microphones are the buttons under here, so
20 if you would watch your paperwork.

21 Sir, would you please state your full name for
22 the record, spelling your last name.

23 THE WITNESS: Jeremy William Christianson,
24 C-H-R-I-S-T-I-A-N-S-O-N.
25

1 Computer Examiners. And also I'm an EnCase certified
2 examiner, again, which is the software that we use to
3 conduct our analysis.

4 Q. Now, at some point in time when you were with
5 the -- still with the Internal Revenue Service, did you
6 get involved in an attempt to analyze the contents of
7 certain hard drives seized from 3800 South Highway 99,
8 Ashland, Oregon?

9 A. Yes.

10 Q. Do you know when that was?

11 A. It was approximately January of 2008.

12 Q. 2008?

13 A. That's correct.

14 Q. Okay. And do you know how many hard drives you
15 were asked to help examine?

16 A. It was requested that I analyze five hard
17 drives.

18 MR. CARDANI: If I may have a moment.

19 (Discussion held off the record.)

20 MR. CARDANI: Judge, I'd like to just read a
21 stipulation at this point with the consent of Mr. Wax.

22 THE COURT: Go ahead.

23 MR. CARDANI: The parties stipulate that in
24 February of 2004, the United States government obtained
25 eight computer hard drives from the premises of

1 al-Haramain Ashland in Ashland, Oregon. The government
2 made mirror images of those hard drives and provided
3 them to its computer expert, Richard Smith.

4 Mr. Smith subsequently provided the hard drives
5 to government's computer expert, Jeremy Christianson.
6 The government's exhibits in the SW series were derived
7 from those computers.

8 THE COURT: Mr. Wax, do you so stipulate?

9 MR. WAX: Yes, Your Honor.

10 THE COURT: Members of the jury, that means you
11 are to accept that as facts in the case. Go ahead.

12 BY MR. CARDANI:

13 Q. What does -- the term "mirror" showed up in
14 that stipulation in terms of the hard drive. Can you
15 explain that?

16 A. Yes. A mirror copy of a hard drive is simply
17 an exact copy of a hard drive that we can authenticate
18 as being an exact copy.

19 Q. So what you were given came from Oregon were
20 exact copies of basically the guts, the hard drives of
21 the computers?

22 A. Yes.

23 Q. To the best of your knowledge, were those same
24 copies provided to the defense?

25 A. Yes.

1 Q. If we could bring up SW-64, please. If we
2 could go to room X. Now, are you familiar with the
3 monikers there, Seda 8, 9, 6 and 10?

4 A. Yes.

5 Q. And, Mr. Christianson, were those among the
6 hard drives that you attempted to analyze?

7 A. Yes.

8 Q. Did you say there were five that you analyzed?

9 A. Five.

10 Q. Do they include all of these?

11 A. They do include all of these.

12 Q. And a couple of others from the upstairs
13 office?

14 A. Yes, Seda number 7.

15 Q. Now, before attempting to do your work as a
16 computer forensic expert with IRS, did you talk to
17 anybody about what you were needed to do?

18 A. I spoke with Special Agent Anderson and Special
19 Agent Rick Smith, who was the seizing agent for the
20 digital evidence. He preserved it. And she requested
21 that I conduct a recovery for documents, financial data
22 files like QuickBooks and e-mail.

23 Q. Did that help shape the nature of your work
24 after that?

25 A. It did, yes.

1 Q. Were there any specific requests about any
2 problems they were having in the field accessing the
3 contents of the hard drives?

4 A. One of the problems that they had was that
5 they, utilizing the software that they were using, they
6 were unable to identify things like e-mail.

7 Q. More specifically about the e-mail that they
8 were having trouble locating particular e-mails or what?

9 A. They were having trouble locating -- I believe
10 it was any e-mail at all.

11 Q. Okay. And so did you then conduct an
12 examination of the computer hard drives?

13 A. I did.

14 Q. How long do you typically spend in analyzing
15 the contents of a hard drive?

16 A. It's hard to put in an exact time of how long I
17 actually spend. Each case is unique. But usually data
18 is readily accessible in -- at least in my experience
19 with the cases that I've worked on. And it usually
20 doesn't take a long time for turnaround. I'd say a
21 couple of weeks to conduct a preliminary examination.

22 Q. And in your four years with IRS, do you have a
23 rough estimate of how many computer hard drives you were
24 engaged in analyzing?

25 A. It was a lot.

1 Q. Over 100?

2 A. Not over 100.

3 Q. Less than 100?

4 A. Less than 100 but very close.

5 Q. Now, were you able to access eventually the
6 information contained in some of the computers?

7 A. Yes, I was.

8 Q. Did it take much work?

9 A. It took a tremendous amount of work.

10 Q. Please, what do you mean by a "tremendous
11 amount of work"?

12 A. It took a lot of time, so that the data
13 recovery techniques that I employed to recover the data
14 were very manual, very time intensive.

15 Q. Why?

16 A. Because of the state of the data. The data
17 that I recovered existed in what I call residual areas
18 of the hard drive. It wasn't accessible by a user of
19 the computer.

20 Q. Can you break that down a little bit, it's not
21 accessible to a user?

22 A. Sure. If I'm a user of a computer, and I'm
23 sitting in front of it, and I turn the power on, and
24 Windows comes up, for example, the files and folders
25 that I see, that's easily accessible data.

1 When you delete a file, the file is not visible
2 to you anymore, but it's still on the hard drive until
3 it's overwritten.

4 So those areas of the hard drive that the user
5 cannot see or access, there could still be residual data
6 there.

7 Q. Can be?

8 A. Can be.

9 Q. All right. What does that mean? How do you
10 know if it's still there or not?

11 A. It's still there until it's overwritten by new
12 data, by new files.

13 Q. How long did you work on these computers? You
14 said you got them in January of 2008.

15 A. Again, it's very hard to quantify in hours how
16 many -- how much time I spent, but it took me several
17 months, at least upfront, to recover a lot of this data.

18 Q. And were you working primarily on this?

19 A. I was working primarily on this, yes.

20 Q. For months?

21 A. For months.

22 Q. In terms of your comparison with your other
23 work, was this routine?

24 MR. WAX: Objection, Your Honor.

25 MR. CARDANI: For the amount of time.

1 THE COURT: Did you say "was it routine"?

2 MR. CARDANI: Yes, in comparison to the amount
3 of time compared to working on other projects.

4 THE COURT: The objection is overruled.

5 THE WITNESS: It was -- to spend as much time
6 as I did simply relates to the volume of information
7 that I was able to identify and recover. So I spent
8 more time than usual, yes.

9 BY MR. CARDANI:

10 Q. Have you ever worked on a project as large as
11 this before?

12 A. This was one of the largest I've worked on.

13 Q. Now, were you able to recover all of the
14 information from the contents of these hard drives?

15 A. Can you define "all"?

16 Q. Well, specifically you said when something is
17 deleted, it goes into this unallocated space?

18 A. Yes.

19 Q. And did you spend a lot of time forensically
20 sifting through the unallocated space?

21 A. Yes, I did.

22 Q. Now, did you find anything in the unallocated
23 space that led you to conclude that there were other
24 things there that were gone, that had been overwritten?

25 A. In particular, we used e-mail, for example, the

1 method that I employed to -- very manual method to
2 recover some of the e-mail, it was incomplete with the
3 recovery, so I had to employ some tools to actually --
4 for example, Microsoft Outlook e-mail, I was actually
5 able to recover an entire mailbox associated to that
6 program. And I use an analogy -- and, again, this is an
7 oversimplified analogy -- to a mailbox out in front of a
8 house that has letters inside.

9 I wasn't only able to recover one of those
10 letters, I was able to recover the entire mailbox. And
11 that process, because of the volume of e-mail, took a
12 very substantial amount of time to recover, and to
13 repair. And that tells me that it was probably deleted
14 at some point in time, which I couldn't determine, and I
15 had to run some repair tools to recover most of the
16 e-mail.

17 Q. We're going to get into the e-mails, but just
18 to be clear, you just used an analogy about a missing
19 mailbox, so when somebody turns on a computer, and looks
20 for e-mails as a file, Outlook or something like that,
21 that you would ordinarily look for an e-mail?

22 A. Yes. Microsoft Outlook stores its e-mail in a
23 single file. It's called a personal storage folder.
24 And that single is just like a mailbox. All of your
25 e-mail is inside that one file. And I was able to

1 recover that one file, actually, on several hard drives.

2 Q. From the deleted parts of the computer?

3 A. From the unallocated, nonuser accessible areas
4 of the hard drive.

5 Q. So when you turn on a computer, it would be,
6 like, apparent to the user, was there any e-mail system
7 apparent?

8 A. There wasn't -- Microsoft Outlook was not
9 apparent on the computers. If I were the one to sit
10 down and turn it on, Microsoft Outlook was not there.

11 Q. Okay. So the whole mailbox was actually
12 missing?

13 A. Yes.

14 Q. But you were able to use tools to get into the
15 deleted portions and find some e-mail?

16 A. Yes.

17 Q. You mentioned the word "repair." What does
18 that mean?

19 A. Again, if you are using Microsoft Outlook as
20 your e-mail program, and something happens to your
21 mailbox, it gets corrupted and you can't open it,
22 Microsoft has a tool that is specifically made to help
23 repair that for you so that you can save your e-mail.

24 Q. Now, what was your goal in terms of -- were you
25 working with Special Agent Anderson quite a bit on this

1 project?

2 A. Yes, I was.

3 Q. Did you talk to her on the phone quite a bit?

4 A. I did quite a bit, yes.

5 Q. All right. What was your goal in rebuilding
6 these computers, especially the deleted aspects of them?

7 A. My role primarily was to simply be the
8 technician, to identify and recover the types of data
9 that Special Agent Anderson identified upfront, and to
10 reconstruct that into a user accessible form so that she
11 could review and search the data.

12 Q. And how? How could you search the data then?

13 A. Through different types of software that we
14 have that allows you to search a large volume of
15 information, files.

16 Q. Were you ultimately successful?

17 A. I believe so.

18 Q. Okay. But not entirely because there were --
19 there was material that was entirely overwritten, or do
20 you know?

21 A. It's hard to determine, but there was a lot of
22 deleted data on the computers.

23 Q. Did you find any e-mails that were like strings
24 of text but then just stopped so they are partially --

25 A. There were several, for example, Web pages that

1 used to be on the computer at one point in time and
2 accessible to a user. You could definitely see that
3 there were blocks of text for files and stuff of that
4 type that were not complete.

5 Q. Meaning they were gone?

6 A. Meaning that the likely scenario is that they
7 were partially overwritten.

8 Q. And if they are partially overwritten, is there
9 any way at that point for you to recover them?

10 A. No.

11 Q. Gone forever?

12 A. Gone forever.

13 Q. Okay. Now, in preparation for your testimony
14 today, were you asked to prepare a summary of certain SW
15 series, search warrant series, of exhibits that came out
16 of these computers?

17 A. Yes.

18 Q. And is that what's been identified as JC-4?

19 A. Yes.

20 Q. Did you help prepare this?

21 A. Working with Special Agent Anderson, I did help
22 prepare this.

23 Q. So to the best of your knowledge, does the
24 information depicted in here accurately show the nature
25 of the material in the report?

1 A. Yes.

2 Q. Before we bring it up -- okay. If we could
3 bring up the first page of JC-4. This is titled Summary
4 Report, Search Warrant Series Deleted Items Recovered
5 From Seized Al-Haramain Computers. All right. Now that
6 word "deleted" does that mean -- does that mean that
7 this is in the unallocated space, not in the apparent
8 portion of the computers?

9 A. That's correct.

10 Q. All right. Let's talk about the fields first.
11 We see the exhibit numbers for trial, so the first one
12 would be SW-5. Do you see that on the first line?

13 A. Yes.

14 Q. And then next to it is a description?

15 A. Yes.

16 Q. E-mail with attachment from Abdul Qaadir dated
17 such-and-such. Whose description is that?

18 A. Special Agent Anderson.

19 Q. And then the next column is the hard drive?

20 A. That is the evidence item it came from.

21 Q. I'm sorry?

22 A. That's the evidence item that it came from,
23 yes.

24 Q. Okay. Were a lot of these from Seda 8?

25 A. It appears that way, yes.

1 Q. From room X. And then the "from," "to," and
2 the "CC," is -- who put -- whose information is that?

3 A. Those are standard fields in an e-mail. So
4 when e-mails are sent and received, it's who it came
5 from, who it went to.

6 Q. So that's from the e-mail itself, not from
7 any --

8 A. Correct, that is --

9 Q. -- government -- I'm sorry?

10 A. That is from the e-mail itself, yes.

11 Q. And the subject line?

12 A. That is from the e-mail.

13 Q. And then the date of e-mail or document on the
14 right?

15 A. That is also from the e-mail.

16 Q. Did you -- were you asked to do, as best you
17 could, a chronological list of these search warrant
18 items?

19 A. Yes. Once the -- this spreadsheet was put
20 together, you could sort chronologically based on the
21 data.

22 Q. Okay. But this particular exhibit starts
23 January 4, 2000, then runs for several pages. And
24 eventually we take you through September of '01. So
25 where possible, chronologically?

1 A. Yes.

2 Q. Now, are many of these items depicted recovered
3 e-mails?

4 A. These are recovered e-mails from what we talked
5 about earlier of one of those mailbox files.

6 Q. Okay. But you -- there are other types of
7 information depicted on here as well?

8 A. There is. There are several Web pages and Word
9 documents.

10 Q. We're having a little trouble hearing you. If
11 you could move a little closer to the microphone. It's
12 down there.

13 A. Sure.

14 THE COURT: The mikes are those little silver
15 buttons in front of you.

16 THE REPORTER: You may slow down, too. I think
17 that would help.

18 BY MR. CARDANI:

19 Q. She slows me down a lot, too. Now, one thing
20 before we get into some of these, were you asked to
21 determine whether it was possible that these e-mails
22 we're about to get into were spam? Are you familiar
23 with spam?

24 A. Yes, I am.

25 Q. What's spam?

1 A. Spam is, for lack of a better definition, junk
2 mail, things that you don't want, or ads and other
3 things.

4 Q. So you can just simply delete it without even
5 opening it?

6 A. You could, yes.

7 Q. And where would it go on the computer if you
8 did that?

9 A. If you were using, again, a program like
10 Microsoft Outlook, there's actually a recycle bin inside
11 Outlook, so it would simply be in the deleted folder.

12 Q. Okay. So were you asked to determine whether
13 these e-mails were of the spam nature?

14 A. I was.

15 Q. What was the result of your work?

16 A. Basically what we determined that these -- the
17 location of each one of these e-mails, and most of them
18 were in the in box folder. And I was asked to determine
19 whether they were read or unread. And we determined
20 that all of these e-mails in this particular spreadsheet
21 were marked as read.

22 Q. Okay. So would that require somebody to
23 physically open it on a computer?

24 A. Yes.

25 Q. Okay. Now, all of these were opened?

1 A. Yes.

2 Q. So, for example, if we could go to page 5 of
3 this. And then the second line down there,
4 Mr. Christianson, SW-30, you say that that is -- or
5 stated that the e-mail to Sheeshaan group dated March 8,
6 2000, at such-and-such a time containing fatwa from
7 Jibreen, right?

8 A. Yes.

9 Q. Okay. And then moving over in that field, you
10 are saying it's from Seda 8, deleted?

11 A. Yes.

12 Q. And then AQ@Yahoo with the address of the
13 sender?

14 A. Yes.

15 Q. And then to the Sheeshaan eGroups. Now, are
16 you familiar with the -- if we can go back to the left
17 just a little bit. Okay. This Sheeshaan eGroups, are
18 you familiar with that based on this investigation?

19 A. No.

20 Q. All right. Do you know what an eGroup is?

21 A. I do.

22 Q. What's an eGroup?

23 A. An eGroup is simply a group of -- a
24 distribution list, if you will, for a particular topic
25 for a particular entity.

1 Q. Did you find a number of e-mails that were
2 associated with this Sheeshaan eGroups --

3 A. Yes.

4 Q. -- on the computer?

5 A. Yes.

6 Q. And then so if we could bring up the exhibit
7 itself, SW-30, please. If we look at that first part up
8 top, is this an example of an e-mail that made its way
9 into the summary, SW-30?

10 A. Yes.

11 Q. Okay. So there is the address up at the top,
12 and a date sent, date delivered. And so you took this
13 information and worked with Agent Anderson and put this
14 into the JC-4 exhibit?

15 A. Yes.

16 Q. Okay. Can we go to SW-51, please. In addition
17 to e-mails, did you find other type of information
18 within the deleted section of the computers?

19 A. Yes, several -- there were quite a bit of
20 documents and Web pages, for example.

21 Q. What is this?

22 A. This is a Web page.

23 Q. Okay. And what can I do to help the jihad and
24 mujahideen? Now, this is SW-51. And I see in the last
25 page of JC-4 -- we don't need to see it right now, keep

1 this up here for a second, but you put the date of the
2 e-mail or document not applicable in your summary, why
3 is that?

4 A. When you recover files from unallocated space,
5 you lose all of that information, the dates, times, and
6 the source of where it existed, when it was accessible
7 by the user.

8 Q. But the contents of this in the deleted section
9 of Seda 8, does this indicate that somebody actually
10 visited a Web site on this computer?

11 A. It's logical to assume that, yes. At one point
12 in time, this Web page existed and was accessible to the
13 user.

14 Q. But then was deleted?

15 A. Yes.

16 Q. Okay. I'm going to ask you about a few other
17 e-mails and ask you if you did some work forensically
18 that helps explain some of the e-mail traffic in this.
19 Could we start with SW-56, please.

20 Are you familiar, Mr. Christianson, with this
21 exhibit?

22 A. Yes.

23 Q. And did this come from Seda 8?

24 A. Yes.

25 Q. All right. Profile commander of the foreign

1 mujahideen in the Caucasus. And this is a multiple page
2 exhibit. Could we go to page 6, please. All right.
3 Could we expand this part right here (indicating).
4 Thank you.

5 Do you see that? It's from this Khattab
6 interview, Mr. Christianson. Do you need any support?
7 What support in particular do you need?

8 A. Yes.

9 Q. And then the answer, "The Chechen Republic has
10 been surrounded from all sides. However, the Russian
11 Army is prepared to sell everything for a price. As for
12 previous affairs of the Muslims, one would always find
13 Islamic charities and organizations present. I'm sorry
14 to say there is not a single Islamic charity
15 organization active inside Chechnya at present. Only
16 the Red Cross is present in Chechen towns and cities.
17 Therefore, we advise the Muslims in the Muslim countries
18 to take a sincere stand with the mujahideen in the land
19 of the Caucasus." Do you see that?

20 A. Yes.

21 Q. Now, can we go to SW-52. Does this -- this
22 came also from Seda 8, according to page 1 of your
23 summary?

24 A. Yes.

25 Q. And it's listed here as having been created on

1 January 22, 2000?

2 A. Yes.

3 Q. So tell us about that. How -- what is this?

4 A. This is a recovered Microsoft Word document.

5 And Microsoft Word when you create a new Microsoft Word
6 document stores internal dates and times. And those
7 internal dates and times are reflective of when it was
8 created based on the time zone settings were for Windows
9 at the time it was created.

10 Q. So this document, is that the entire document?

11 A. That is the entire document.

12 Q. Okay. So someone singled off this particular
13 question and put it into a Word document?

14 A. It would appear so.

15 Q. And then if we could go -- are you familiar
16 with the term "cut and paste"?

17 A. I am.

18 Q. Can you go onto a Web site and highlight
19 material and save it to the Word document?

20 A. You can, yes.

21 Q. That would be a cut and paste?

22 A. Yes.

23 Q. Okay. And the language here is identical to
24 that other one?

25 A. It was identical, yes.

1 Q. All right. The next exhibit, SW-11, now this
2 is dated the same day. You said in your summary that
3 the Word document was created on January 22nd --

4 A. Yes.

5 Q. -- on the computer. This is a new exhibit,
6 SW-11, which is listed on page 2 of your summary as an
7 e-mail contained within Seda 6, from P@qf.org. Do you
8 see that?

9 A. Yes.

10 Q. To al-But'he, right?

11 A. Yes.

12 Q. And then it says "what support"?

13 A. Yes.

14 Q. And that's the subject line?

15 A. That is the subject line.

16 Q. Typically in -- who would have typed "what
17 support"? Would that have been from the sender of this
18 e-mail?

19 A. That would have been from the sender, yes.

20 Q. And this same question down below, the verbiage
21 is identical to the Khattab interview and the Word
22 document you just talked about?

23 A. It is, yes.

24 Q. Do you know if this was sent?

25 A. It appears that it was sent, yes.

1 Q. And then if we go to SW-36, please. Okay.
2 Blowing up the first half of that one, SW-36,
3 Mr. Christianson, does this appear to be an e-mail from
4 looking at your -- this lists as coming from that same
5 computer, Seda 6 from room X?

6 A. Yes.

7 Q. Okay. So the same computer listed on your
8 summary here on page 5, from the same sender, P@qf.org
9 to Sheeshaan owner at eGroups, dated September 18, 2000.
10 And down below is Red Commie in red?

11 A. Yes.

12 Q. Now, it's in red. Do you know if that was in
13 its original form or whether someone from the government
14 made it red?

15 A. No one from the government made it red. At
16 least not from the recovery that I did. It is in the
17 state that it was in when I recovered it.

18 Q. Both in size and color?

19 A. Both in size and color.

20 Q. And then three lines down it says AU?

21 A. Yes.

22 Q. And are you familiar that the defendant's --
23 one of his names is Abu Yunus?

24 A. Yes, Special Agent Anderson told me that was.

25 Q. And down below it says The Arborist, Ashland,

1 Oregon, Pete Seda, urban forester, certified arborist?

2 A. Yes.

3 Q. So it's a contact with the issuer of Sheeshaan
4 eGroups?

5 A. Yes.

6 Q. If we could move on to SW-23. If we could just
7 see who is sending this. Was this also recovered from
8 the computers?

9 A. Yes.

10 Q. I'm looking at your summary, and you have it
11 from hard drive Seda 8 in the deleted section?

12 A. Yes.

13 Q. So this is just from soliman@albuthi.com dated
14 February 23rd of 2000 to Pete?

15 A. Yes.

16 Q. Regarding FBI witch hunt to target Islamic
17 charities?

18 A. Yes.

19 Q. I'd like to go to the second page of that and
20 if we could go down towards the bottom. Do you see that
21 red paragraph?

22 A. Yes.

23 Q. Before getting into the contents of it, it's in
24 red. And the same question from before. Is -- did
25 someone put this in red in its original form in the

1 computers?

2 A. It appears that way, yes.

3 Q. Changed the color, but I'm saying you didn't do
4 it?

5 A. I did not do it.

6 Q. Okay. And to the best of your knowledge, she
7 didn't do it?

8 A. To the best of my knowledge, she did not do it
9 either.

10 Q. All right. So if you went in there today and
11 looked at this computer, you'd find this in red, this
12 section?

13 A. I would find it exactly the same way, yes.

14 Q. Okay. U.S. officials also said they have
15 discovered through the massive probe that a significant
16 number of Islamic terrorists are concealing their
17 activities and sources of funds by using charitable
18 organizations as fronts. Since many of these charities
19 do substantial community service work, investigating
20 them is not easy and can subject the FBI or foreign law
21 enforcement authorities to allegations of targeting
22 religious or ethnic groups, sources said.

23 A. Yes.

24 Q. Okay. If we could go back to page 1 at the top
25 there. This was sent by someone using the

1 soliman@albuthi address to Pete, and it was found in
2 this deleted section of Seda 8?

3 A. Yes.

4 Q. A few other things. I'd like to go to SW-8,
5 please. Mr. Christianson, in addition to a lot of these
6 e-mails, were there pictures and maps also found in
7 deleted sections of these hard drives?

8 A. Yes.

9 Q. And does this one here, SW-8 that's before you,
10 from AQ@Yahoo, Friday, January 14th, news from the
11 mujahideen in Chechnya, news and photos, and then there
12 are attachments. What do those refer to before we get
13 into them?

14 A. Attachments are simply, in this particular
15 case, pictures that were sent with the e-mail.

16 Q. And there is a thing at the end of these
17 addresses, JPG, like p4@JPG. What does JPG mean?

18 A. That is a particular type of picture file.

19 Q. J-peg, is that how you guys say it?

20 A. J-peg, yes.

21 Q. That means the picture. All right. And this
22 is talking about a Russian plane shot down January 2000,
23 70 Russians killed, 4 vehicles destroyed?

24 A. Yes.

25 Q. And then pictures from operations, see

1 attached. All right. If we could go on to the second
2 page of this. And I want to go through some of these
3 pictures. Are these the attachments that were on that
4 particular e-mail, Mr. Christianson?

5 A. Yes.

6 Q. All right. We just scrolled through all of
7 those pictures. And those were all the pictures that
8 were attached as these JPGs to the e-mail?

9 A. Yes.

10 Q. Did you find photos SW-45? Was this found in
11 the deleted sections of these hard drives?

12 A. Yes.

13 Q. Do you know who these fellas are?

14 A. I don't know specifically, but I was told they
15 were -- by Special Agent Anderson that these are
16 pictures of mujahideen fighters.

17 Q. All right. SW-44, that was in the computer?

18 A. Yes.

19 Q. 46. 47. Now, what is this?

20 A. That is a picture.

21 Q. Was it found attached to anything, if you know,
22 or randomly in the computers?

23 A. That was not an attachment to an e-mail. That
24 was found on the hard drive as a recovered picture.

25 Q. It was just a JPG photo --

1 A. Yes.

2 Q. -- found on the computer. Okay. 48. Can you
3 enlarge that a little bit. It's really hard to make out
4 on this, but do you have any idea what that sign says?

5 A. I do not.

6 Q. Okay. We'll have another witness talk about
7 that later, but I just wanted to ask you that. Okay.
8 49. Just another JPG in the computer?

9 A. Yes.

10 Q. And 50, same type of thing?

11 A. Yes.

12 Q. All right. SW-59, this is listed in your
13 summary as coming also from Seda 8, undated, but a JPG
14 photo of the map of a battle in Grozny?

15 A. Yes.

16 Q. And the next one, SW-60, also you say comes
17 from Seda 8 in the deleted section?

18 A. Yes.

19 Q. Titled Mujahideen Tactical Movements Out of
20 Grozny?

21 A. Yes.

22 Q. And the bottom, mujahideen movement?

23 A. Yes.

24 Q. All right. I'd like to move on to a slightly
25 different subject now. SW-17, please. Okay. At the

1 top it says Hotmail, Ptichkal@hotmail.com. Do you see
2 that?

3 A. Yes.

4 Q. So this is on page 2 of your summary, also from
5 the same hard drive, Seda 8, as -- it says here,
6 original sent February 6, 2000. So can you describe
7 what this is?

8 A. This is a -- looks like an e-mail message from
9 someone with Ptichkal@hotmail.com composing a message
10 using Web based e-mail, Hotmail.

11 Q. And when you do e-mails like this, it's just
12 reflected in the computer like this?

13 A. The behavior of Internet Explorer, which is the
14 Web browser that was used to generate this, was to store
15 remnants of that particular Web mail on the computer.

16 Q. Okay. And this is to -- regarding the "to"
17 line here, Qoqaznet@yahoo.co.uk?

18 A. Yes.

19 Q. And regarding translations?

20 A. Yes.

21 Q. And then down below, if we could highlight the
22 snap -- you've said -- you used the word snapshot
23 before?

24 A. I did not say snapshot.

25 Q. Oh.

1 A. But essentially that's what this is.

2 Q. Okay. Well, I don't know what I mean by
3 snapshot. Tell me what this is.

4 A. This is just an -- this is the original portion
5 as if I was replying to an e-mail, so the original
6 e-mail thread would be part of that.

7 Q. Okay. And -- okay. So if we go -- this is
8 from Qoqaz Web site to Ptichka at Hotmail. And, again,
9 this is coming from Ptichka1 stuff is in the Seda 8?

10 A. Yes.

11 Q. Regarding translation, February 2000, talking
12 about -- down here, dear sister, the work seems to be
13 going on well?

14 A. Yes.

15 Q. Okay. So does it appear that somebody was
16 using this computer to do translations for Qoqaz?

17 MR. WAX: Objection.

18 MR. CARDANI: Well --

19 MR. WAX: I don't know how this witness can
20 answer that.

21 THE COURT: Yeah. Go on.

22 BY MR. CARDANI:

23 Q. But the subject is "translations"?

24 A. The subject is translations, yes.

25 Q. All right. And it's going in the -- if we

1 could go back to the exhibit, up top, this is someone
2 communicating with Qoqaznet about translations?

3 A. Yes.

4 Q. Okay. All right. And it was found in the
5 computers in Ashland, Oregon?

6 A. It was, yes.

7 Q. From someone using this Ptichka address?

8 A. Yes.

9 Q. Now, can we go to SW-61, please. All right.
10 What's this?

11 A. This is a recovered Web page for a Web site The
12 PROMT's Online Translator, and this was also again a
13 recovered Web page.

14 Q. All right. And in the microphone, a little
15 louder, I'm having trouble.

16 A. This is a recovered Web page for this, what
17 appears to be an online translation service.

18 Q. Okay. Are you familiar with online
19 translations services?

20 A. Vaguely.

21 Q. Okay. Do you know if there are services
22 available online where you can put information in to get
23 help translating into various language?

24 A. I do know there are some, yes.

25 Q. So we see here the English part of it, "wait

1 until we post the details of the aid organization able
2 to collect these donations and then send your money to
3 them. We do not accept or collect donations ourselves
4 as we are only a news outlet." And then talks about the
5 mujahideen down below. "Urgent need of doctors, medical
6 personnel, and medical supplies."

7 A. Yes.

8 Q. Do you see that? And then right below that, it
9 says English-Russian translation?

10 A. Yes.

11 Q. And then down below -- do you speak Russian?

12 A. I do not.

13 Q. Okay. Have you ever seen Russian before?

14 A. I have seen Russian before.

15 Q. Does this appear to be Russian?

16 A. It appears that way.

17 Q. Okay. Could we go to the overall page and then
18 highlight down below, too. More of translation stuff?

19 A. Yes.

20 Q. Did you find a number of these types of things
21 in the computer?

22 A. I did.

23 Q. Seda 8?

24 A. Seda 8, yes.

25 Q. All right. Now, I'd like to move to a

1 different subject, Mr. Christianson. Later on you said
2 that your job was to put this in a searchable format for
3 Agent Anderson?

4 A. Yes.

5 Q. Were you able to search, too?

6 A. I was able to search, too, if she requested it,
7 yes.

8 Q. And can I show you AHIF-2. If we could blow up
9 that first paragraph. This references an agreement
10 between Soliman and Abu Yunus about turning all monies
11 and responsibilities collected for the brothers and
12 sisters of Chechnya to Brother Soliman. And then
13 Soliman states he has received monies in the amount of
14 such-and-such and fully relieves Abu Yunus of all
15 responsibilities for the monies.

16 A. Yes.

17 Q. Were you asked to do a text search to determine
18 if these were in any of the computers?

19 A. Yes.

20 Q. And what were the results of that search?

21 A. I did not find this in any of the computer
22 evidence that I searched.

23 Q. Okay. That references \$186,000, do you see
24 that?

25 A. Yes.

1 Q. And if you could go a little bit lower, okay.
2 Do you see the signatures there, two signatures up here
3 (indicating), that and that?

4 A. Yes.

5 Q. Okay. Hold that thought. And let's go to
6 AHIF-3, okay. Now, you've seen this before?

7 A. Yes.

8 Q. Okay. The same language in whatever this is,
9 but the same text?

10 A. Yes.

11 Q. And the signatures are in -- references
12 188,000, not 186,000?

13 A. Yes.

14 Q. And then the signatures here are reversed?

15 A. Yes.

16 Q. Okay. So this would have been the same -- did
17 you search the computers for this one as well?

18 A. Yes.

19 Q. Did you find them at all?

20 A. No.

21 MR. CARDANI: Thank you, Mr. Christianson. I
22 have no other question for you.

23 THE COURT: Cross.

24 MR. WAX: May I proceed, Your Honor?

25 THE COURT: Please.

CROSS-EXAMINATION

BY MR. WAX:

Q. Is it Mr. Christianson or Agent Christianson?

A. Mr. Christianson.

Q. Good morning. And thank you.

Mr. Christianson, I'd like to ask you a few questions about the items recovered, and then go into some of the computerese, and ask you a few questions about that.

Let me start with what was recovered at the end of the day. Do you have any count of the total number of e-mails that you recovered?

A. I don't have that in front of me. I don't recall how many total e-mails there were.

Q. Would something in the order of 20 to 25,000 sound like the right ballpark?

A. That sounds like the right ballpark.

Q. Did you also look for, I think you said, financial records?

A. Yes.

Q. Okay. Did you recover any files from the QuickBooks program?

A. I did, yes.

Q. Do you recall roughly how many either complete or fragments of QuickBooks files you were able to recover?

1 A. If I recall correctly, it was approximately at
2 least 20 to 30.

3 Q. Do you recall there being more than that,
4 perhaps as many as 300 either complete files or
5 fragments of files?

6 A. If we include fragments, I don't know if the
7 number was quite that high, but that sounds right.

8 Q. Now, in terms of the recovery process,
9 Mr. Cardani asked you whether you were aware that the
10 defense was provided mirror copies of the hard drives
11 that we believe are identical to the mirrors that you
12 were working with, and I think you said you were aware
13 of that.

14 A. Yes.

15 Q. Okay. In terms of the recovery process, is
16 there, in the way in which different forensic examiners
17 approach their work, a likelihood that you could have
18 recovered something perhaps that the forensic people
19 working with us did not?

20 A. It's possible, yes.

21 Q. And vice versa, that they might have recovered
22 some things that you did not?

23 A. Yes, that's possible, too.

24 Q. In terms of the specific items that are in this
25 JC-4 exhibit, 50 some items, that is clearly an

1 exceedingly small percentage of the total number of
2 e-mails recovered?

3 A. Yes.

4 Q. Far less than 1 percent?

5 A. Yes.

6 Q. In terms of the items recovered, I believe that
7 you had put up on the screen, or Mr. Cardani had put up
8 on the screen, one document that had been copied into
9 Microsoft Word?

10 A. That was one of them, yes.

11 Q. Do you recall that there were many Microsoft
12 Word documents that you observed?

13 A. There were many, yes.

14 Q. The items that were put up on the screen
15 included a number of items from ListSrvs?

16 A. Yes.

17 Q. And I believe that you were shown ListSrvs
18 with an AQ initial, Sheeshaan group?

19 A. Yes.

20 Q. And AQ, by the way, that is the initials of a
21 man named Abdul Qaadir, are you aware of that?

22 A. That's what I'm told, yes.

23 Q. All right. Do you recall that in terms of
24 ListSrvs, there were scores of ListSrvs found on the
25 computers?

1 A. Yes, there was.

2 Q. Okay. And do you recall that of those scores
3 of ListSrvs, some had absolutely nothing to do with
4 religion, Islam or Chechnya?

5 A. Yes.

6 Q. Peace activist work from Ashland, Oregon?

7 A. That sounds right.

8 Q. Urban forestry work?

9 A. Yes.

10 Q. *New York Times*?

11 A. Yes.

12 Q. The Ashland Patriots?

13 A. I'm not familiar with that one.

14 Q. Canadian urban forestry conference?

15 A. I'm not familiar with that one either.

16 Q. Do you recall -- did you ever do a count of the
17 number of ListSrvs from whom items were sent that were
18 found on the computers?

19 A. I did not do a count.

20 Q. Would something in the order of 50 sound like a
21 reasonable approximation of what you saw?

22 A. Based on the contents that Special Agent
23 Anderson asked me to review, that's possible.

24 Q. Okay. The government asked you to put together
25 this exhibit, JC-4; is that correct?

1 A. Yes.

2 Q. And did I understand correctly that the primary
3 direction for putting that together came from Agent
4 Anderson?

5 A. That's correct.

6 Q. Did you make any effort to, you know, look at
7 the total number of e-mails sent in the time period from
8 the end of December 1999 through the beginning of March
9 of 2000?

10 A. I did not.

11 Q. We just went through a number of ListServ
12 e-mails from Mr. Abdul Qaadir.

13 A. Yes.

14 Q. Do you recall that there were at least a half a
15 dozen e-mails from an organization called Islamic
16 Relief?

17 A. I believe I recall that, yes.

18 Q. Do you recall that there was a series of
19 photographs that was from *Time*, *Time* magazine Web site
20 from mid February of 2000?

21 A. As far as the photographs, I'm not sure I
22 recall seeing photographs.

23 Q. Could we please show the witness Exhibit
24 Number 692 and then 692A through G. 692A, please. Do
25 you recall the recovery of this e-mail on --

1 A. Yes, I do.

2 Q. All right. And do you see that this has a --
3 from Q to Sunnah?

4 A. Yes.

5 Q. Do you recognize Sunnah as one of the
6 ListSrvs?

7 A. I'm not sure if that was a ListServ.

8 Q. Okay. But there is no question that this would
9 have been one of the recovered e-mails?

10 A. There is no question.

11 Q. The subject line on this, do you recall
12 documented cases of 26,500 rape victims?

13 A. Yes.

14 Q. And then the salutation Salam, and LOOOOK in
15 capital letters?

16 A. Yes.

17 Q. Then down below that, a path to a computer Web
18 page of some sort?

19 A. Yes.

20 Q. And you recall -- do you recall that -- and
21 this is all, obviously, part of this e-mail?

22 A. That is all part of this e-mail, yes.

23 Q. If we could go to, please, 692B. Do you recall
24 seeing this recovered photo essay from the computer?

25 A. I didn't until I got to review this exhibit

1 prior to the trial. I didn't recall actually seeing
2 that in the hard drive, but I did validate that it was.

3 MR. CARDANI: I would just like to establish
4 that this was not in the computer.

5 THE WITNESS: The e-mail was in the computer.

6 BY MR. WAX:

7 Q. The e-mail was in the computer?

8 A. Yes.

9 Q. With the path?

10 A. With the path, yes.

11 Q. All right. And you validated the path through
12 your work?

13 A. I didn't validate the path, just the e-mail
14 itself.

15 Q. All right. Thank you. I'll move on. Did
16 you -- do you recall a series of e-mails from
17 Mr. Sedaghaty to Mr. al-But'he during January, February,
18 and March of 2000?

19 A. Specifically, no.

20 Q. Were you asked by Agent Anderson to put
21 together a chart of all communications between
22 Mr. Sedaghaty and Mr. al-But'he in January, February,
23 and March of 2000?

24 A. To put together a chart of all communications,
25 no.

1 Q. Similar to JC-4.

2 A. I was not asked to do that, no.

3 Q. Do you recall from your review roughly 50
4 e-mails in that period between Mr. Sedaghaty,
5 Mr. al-But'he, Mr. Sedaghaty, and a number of other
6 people regarding the humanitarian crisis in Chechnya?

7 A. Again, I don't recall those. My role was
8 simply to provide the data in a reviewable form for
9 Special Agent Anderson, and she identified these JC-4
10 exhibits.

11 Q. All right. So if you were not asked to put it
12 in JC-4 by Agent Anderson, you would not necessarily
13 have focused on it?

14 A. Not necessarily.

15 Q. We were provided, as you understand it, the
16 same mirror hard drives that you were working from?

17 A. Yes.

18 Q. Were you provided copies of the exhibits that
19 we had marked for identification some time ago so that
20 you could do a check to see whether the items that were
21 identified from the computer were consistent with your
22 work?

23 A. Yes.

24 Q. Okay. And did you find that all of the items
25 that we had identified from the computer were, according

1 to your work, actually on the computer?

2 A. Yes.

3 Q. I'd like to ask you a few questions now,
4 please, about some of the computer processes. And
5 please bear with me if I don't use the precise
6 terminology and correct me as needed.

7 A. Okay.

8 Q. If I understood you correctly, the files that
9 are -- excuse me, the exhibits that are included in this
10 SW series were what you called recovered from
11 unallocated space?

12 A. That's correct.

13 Q. All right. Now, in terms of the terms
14 allocated and unallocated space, perhaps it would help
15 if you could provide a little bit more background on
16 them.

17 Are there a number of ways in which items on a
18 computer can be -- I'm not sure if the phrase is
19 transferred to or can be found in unallocated space or
20 get to unallocated space? What would be the correct
21 phrase? Transfer to? Get to? Help me out.

22 A. No, that's correct. There are a number of ways
23 that data could ultimately reside in unallocated space.

24 Q. For example, if I have an e-mail on my
25 computer, I'm going through my regular e-mail list, I

1 look at something, and I hit the delete button for that
2 one e-mail, what happens to it?

3 A. Depending on the type of e-mail that you are
4 using, again I'll go back to the example of Microsoft
5 Outlook, it simply goes to a deleted items folder inside
6 the e-mail box.

7 Q. Now, my IT people at the office tell me that
8 I'm terrible, my e-mail grows too big, and that there is
9 a function for emptying the mailbox, and all I need to
10 do is program it and it can happen automatically in the
11 normal course?

12 A. Yes.

13 Q. You are familiar with such things?

14 A. I am familiar with such things.

15 Q. What happens when the trash gets emptied
16 automatically in the normal course?

17 A. Again, back to my example of Microsoft Outlook
18 program, much like a hard drive, the e-mail simply gets
19 deleted within the confines of that mailbox. And you
20 can relate it to the same thing as data being stored on
21 the hard drive itself. It actually has an allocated
22 space inside the actual PST file or the Outlook mailbox.

23 Q. And then when you empty it, then what happens?

24 A. When you empty it, that frees up space inside
25 your mailbox, and it can be recovered to an extent until

1 it's overwritten by new e-mail.

2 Q. So in the normal course, the way in which a
3 person could have a computer set up, e-mails could go
4 into unallocated space?

5 A. Sure, yes.

6 Q. All right. So there is nothing sinister about
7 the fact that something is in unallocated space in and
8 of itself?

9 A. In and of itself, no.

10 Q. Now, from time to time some of us are infected
11 by viruses on our computers. And when that happens,
12 what do some viruses do?

13 A. Well, viruses can do a great number of things.

14 Q. Sure. With respect to how things could end up
15 in unallocated space.

16 A. Viruses can simply corrupt data, slow your
17 computer down, and, again, a number of other things.

18 Q. All right. So in terms of corruption of data,
19 a virus could render data unreadable when you turn on
20 your computer and log in?

21 A. It's possible, yes.

22 Q. And that material, which you couldn't access,
23 you might be able to retrieve with your EnCase tool or
24 some other tool from unallocated space?

25 A. Yes.

1 Q. All right. So assume I'm infected by a virus,
2 assume I'm a teenage boy, and I think I know better than
3 the computer, and I want to try to fix it myself, or
4 assume I'm 62 years old and make the same mistake,
5 reformatting a computer, what does that mean?

6 A. Reformatting a computer is, again, I'd like to
7 use an analogy. If you want to -- if you go to the
8 store and buy a three-ring binder, and you want to store
9 notes. You buy an empty three-ring binder, that's like
10 your hard drive. Now, before you can actually write or
11 store notes inside that binder, you have to put paper
12 inside. So you would put paper inside. And that
13 essentially creates a partition in relative to -- in
14 relation to the hard drive, and you can start taking
15 notes. Something is there for you to be able to store
16 notes with your writing.

17 So when you partition a hard drive, that's
18 simply saying you take something that's blank and you
19 can't write to it, now you partition and format the hard
20 drive so that you can put things like Windows and things
21 like that.

22 Q. So if, for example, a computer is corrupted by
23 a virus, one of the things that a person might need to
24 do or could do in an effort to get the computer working
25 again, would be to reformat it?

1 A. Yes.

2 Q. In that process, would material that had
3 previously been on it before the reformatting now be in
4 unallocated space and potentially recoverable by a
5 person such as yourself?

6 A. Yes. If you reinstall Windows, the data that
7 existed on there before you reinstalled, would be
8 deleted.

9 Q. All right. Now, one of the things that, again,
10 my IT guys tell me to do is back up onto these little
11 memory sticks or onto discs. A person might take an
12 e-mail file, delete it, and back it up on a disc?

13 A. Yes.

14 Q. You could do that with a legal brief, or
15 anything else you are working on, your poetry?

16 A. You could, yes.

17 Q. All right. So that could be a reason why
18 something would not be retrievable other than through
19 your allocation -- excuse me -- recovery process?

20 A. Yes.

21 Q. All right. Now, in terms of this word
22 "overwriting" that you've used, every now and then the
23 IT guys tell me to defrag my computer. To defrag, what
24 does that mean, and what does that tell us about how
25 data is stored on computers that might be relevant to

1 this deletion/recovery process? Defrag.

2 A. To defrag means -- we'll take, for example,
3 Microsoft Windows, when it stores files on your hard
4 drive, sometimes the storage places on a hard drive are
5 in fragments, so that naturally can slow down accessing
6 the files. Most of the time, transparent to you and I
7 as users.

8 If you use the defragment option for your hard
9 drive, it simply brings the pieces of a single file that
10 belong to each other and makes them contiguous on a hard
11 drive, and basically making it more efficient, cleaning
12 it up.

13 Q. So, for example, if I were to type a brief, and
14 I am sitting there thinking I'm typing straight away,
15 inside the computer that brief could be in a whole bunch
16 of different places?

17 A. It could be, yes.

18 Q. And the defragging process, when the IT guys
19 tell me to do it, is going to put some of that stuff
20 back together?

21 A. Yes.

22 Q. So with respect, for example, to the QuickBooks
23 files and the fragments of QuickBooks files, you could
24 have a QuickBooks file, and while you're accessing it,
25 you might think it's all in one place, but on the

1 computer, it's really a whole mess of fragments?

2 A. It's possible, yes.

3 Q. All right. So that, in terms of fragments, is
4 one way in which fragments just occur in the normal
5 course of the operation of a computer?

6 A. Yes.

7 Q. All right. Now, with respect to this word
8 "overwriting," when something is deleted, so I have
9 typed something or I've got an e-mail and the computer
10 has it stored somewhere, I hit the delete button, the
11 item is actually still there, as you've described, that
12 you could get to through your recovery tools?

13 A. Yes.

14 Q. All right. If I just, in the normal course,
15 type another brief or write another e-mail, the computer
16 could -- and not could, the computer does on its own
17 decide where to put this new item?

18 A. Yes.

19 Q. And it could very well, and does all the time
20 on everyone's computer, overwrite data?

21 A. Yes.

22 Q. So when you are talking about overwriting, you
23 are talking about a normal process that goes on with
24 normal computer use?

25 A. It's possible, yes.

1 Q. Okay. Now, in some cases that we've dealt with
2 where because of the nature of the material, it actually
3 had to be put in a way that you just couldn't ever get
4 to it, classified material, you have to delete forever.
5 You can overwrite some of that with some programs that
6 overwrite, you know, 39 times or whatever the magic
7 number is, correct?

8 A. Yes.

9 Q. Now, in terms of the overwriting that you
10 observed here, you're talking about you type something,
11 you delete, you type something else, a fragment might be
12 there, the whole thing might be there, or it might have
13 been completely overwritten?

14 A. Yes.

15 Q. Okay. Now, in terms of the work that you are
16 able to do, clearly you are not present when these
17 computers were being used?

18 A. I was not.

19 Q. So you do not know who was sitting at the
20 computer typing?

21 A. No.

22 Q. Reading?

23 A. No.

24 Q. Deleting?

25 A. No.

1 Q. For the most part, you do not know when an item
2 was read?

3 A. No.

4 Q. You can tell from an e-mail header when the
5 person perhaps sent it, correct?

6 A. Correct.

7 Q. But could have been read that day?

8 A. It doesn't actually flag when it was read, just
9 the fact that, yes, it was read, or, no, it was not.

10 Q. Okay. Could have been that day? That week?
11 That month? That year? That decade?

12 A. Yes.

13 Q. Now, with respect to the Web page question, I
14 think Mr. Cardani asked you about whether the -- some of
15 these Web pages were recovered from the unallocated
16 space. And I am not sure if he used the word deleted,
17 but I think that that was at least the inference in the
18 question. I want to ask you, please, about how
19 computers deal with Web pages.

20 A. Can you be more specific?

21 Q. I'll try. When I go to WWW dot whatever, and a
22 Web page pops up, Time Essay, you know, Time.com, with
23 that Web line on it, okay?

24 A. Okay.

25 Q. The page image appears on my computer, correct?

1 A. Correct.

2 Q. Now, let's assume I don't hit save in any way,
3 okay?

4 A. Okay.

5 Q. Does the computer nonetheless retain an image
6 of that Web page that I visited?

7 A. The natural behavior for a Web browser is yes.

8 Q. Okay. So I think I'm being sneaky, and I don't
9 want someone to know I visited a Web page, but you come
10 along, and it's right there anyway, correct?

11 A. Correct.

12 Q. All right. Now, with respect, then, to the
13 fact that Web pages are in unallocated space, you have
14 no way to know if they were ever actually saved to the
15 computer?

16 A. No.

17 Q. If there was any intentional deletion?

18 A. No.

19 Q. Or whether a person read something on the
20 computer, as many of us do, closed it and moved on in
21 the normal course?

22 A. Yes.

23 Q. I'd like to ask you now, sir, a little bit
24 about what I think Mr. Cardani was starting with, the
25 length of time that it took you to do this recovery. If

1 I heard correctly, you told us that this was the largest
2 or one of the largest cases in terms of the amount of
3 data on which you've worked?

4 A. Yes.

5 Q. Now, the volume of e-mail that you found and
6 had to deal with, 23 or 25,000 over a multiyear period,
7 there is nothing unusual about that, is there?

8 A. There is nothing unusual about that.

9 Q. All right. Now, with respect to e-mail
10 recovery, help us out here, please. Is that just in and
11 of itself, regardless of the computer, a time-consuming
12 process that will often need to be done manually?

13 A. I found it to be a standard process that I run
14 and usually I find results.

15 Q. What does "file carving" mean?

16 A. "File carving" means, to put it simply, most
17 files have a unique file signature or fingerprint that
18 make it unique, at least from where a file can be
19 identified, and to carve for a file means to search for
20 that unique signature or fingerprint, and to identify
21 that there is the possibility that that file might be
22 there.

23 Q. All right. In terms of e-mails, how does
24 looking for e-mails and this concept of file carving
25 relate?

1 A. Depending on the type of e-mail, file carving
2 is actually that technique that I actually used to
3 recover the Microsoft Outlook mailbox.

4 Q. All right. I thought I heard you use the word
5 manual in your direct testimony. Did I?

6 A. Yes.

7 Q. All right. Tell us, please, what your
8 reference to that word meant in terms of this process?

9 A. Okay. So it's actually a several part process.
10 So you can search through, use initial search for that
11 particular fingerprint, and then manually review the
12 data, what we would call like the physical level.

13 Logical data is what you see when you use your
14 computer everyday. Forensically we look physically at
15 the file on the hard drive. And the manual process is
16 to find out long or how big the file might actually be
17 to make sure that you can get accurate recovery.

18 Q. That's in the normal course of this kind of
19 recovery process, whether it's these computers or other
20 computers?

21 A. It is a normal course, yes.

22 Q. And it is a very time-consuming process?

23 A. It is very time-consuming.

24 Q. And because of the large volume of data that
25 you were attempting to recover, it took you a lot of

1 time?

2 A. It took me a lot of time, yes.

3 MR. WAX: May I have a moment, please, Your
4 Honor?

5 THE COURT: Yes.

6 (Discussion held off the record.)

7 MR. WAX: Thank you, sir. I have no further
8 questions.

9 THE COURT: Redirect.

10 MR. CARDANI: Thank you.

11 REDIRECT EXAMINATION

12 BY MR. CARDANI:

13 Q. Following up on some of counsel's questions,
14 Mr. Christianson, talking about the Sheeshaan things
15 about Chechnya and the mujahideen, do you remember him
16 asking you about that?

17 A. Yes.

18 Q. All right. So you reviewed some on direct, and
19 we took out -- we went over a few of them. And you know
20 that there are several more exhibited that we didn't go
21 over in your testimony?

22 A. Yes.

23 Q. Those are all -- there is a lot of other
24 Sheeshaan e-mails regarding Chechnya, correct?

25 A. As I recall, yes.

1 Q. Mujahideen?

2 A. Yes.

3 Q. And funding issues?

4 A. Yes.

5 Q. And are you aware that there were literally
6 hundreds and hundreds of these types of e-mails in the
7 deleted sections of these computers?

8 A. I'm not sure of the exact number, but yes.

9 Q. Many, many, many more than what's been
10 exhibited here?

11 A. Yes.

12 Q. Involving the same subject?

13 A. Yes.

14 Q. All right. Now, your inventory, JC-4, starts
15 in January 4th of 2000 and goes right up through page 4,
16 March 8, 2000, into page 5 of a 7-page document.

17 My point is, are the ones in here, search
18 warrant exhibits that are listed on the Sheeshaan group
19 of Chechnya, mujahideen, and funding issues, are they
20 representative of a certain time period, January and
21 March?

22 A. Yes.

23 Q. But there are others, many, many others
24 regarding these same subjects that involve different
25 time periods?

1 A. There were others, yes.

2 Q. You know that this trial involves the time
3 period that is very sensitive to that time period,
4 January to March of 2000?

5 A. Yes.

6 Q. Now, Mr. Wax asked you about viruses and
7 corruption of computers and things like that. Are there
8 ways to preserve data before computers are worked on or
9 reformatted -- and when you are reformatting a computer,
10 you're jeopardizing the loss of tremendous amounts of
11 information?

12 A. That's possible, yes.

13 Q. Are there ways to prevent that from happening?

14 A. Yes. You can buy an external hard drive, or a
15 USB device, some kind of storage device, and back up the
16 data that you would like to save, and then reformat your
17 hard drive.

18 Q. All right. So if I've got this virus that he's
19 alluding to, and I think I've got serious problems and
20 somebody has to wipe them, then I buy one of these
21 external hard drives, download all of my important
22 information --

23 A. Yes.

24 Q. -- reformat the thing, and then migrate the
25 information back onto the computer?

1 A. Yes, that's one way to do it.

2 Q. All right. And is that common in business when
3 computers are reformatted?

4 A. Based on my experience, that's common.

5 Q. Because you don't want to lose the data?

6 A. Yes.

7 Q. Now, Mr. Wax spent quite a bit of time talking
8 about the amount of time spent looking for these e-mails
9 and things like that. I just want to get right back
10 into this one. Explain the difference between looking
11 for deleted e-mails and the entire absence of the whole
12 mailbox system for the jury.

13 A. Explain it again?

14 Q. Yes.

15 A. In this particular case, I go to the example of
16 the type of e-mail that I recovered. Again, Microsoft
17 Outlook, if you want to delete an e-mail, it's
18 self-contained inside your personal storage folder,
19 which is a single file. But in this particular case, I
20 recovered entire mailbox files.

21 Q. Okay. So the whole system of e-mails was gone,
22 the Outlook e-mail system was gone on these computers?

23 A. That's correct.

24 Q. Is that significant?

25 A. That's fairly significant.

1 Q. Was it that absence of the entire system that
2 made your work in part so time-consuming?

3 A. Yes.

4 Q. The search warrant e-mails that are listed in
5 your JC-4 were all opened by someone on the computer?

6 A. They were opened, yes.

7 MR. CARDANI: Excuse me one minute.

8 (Discussion held off the record.)

9 MR. CARDANI: That's all I have. Thank you.

10 MR. WAX: A couple of questions, please, Your
11 Honor.

12 RECROSS-EXAMINATION

13 BY MR. WAX:

14 Q. Mr. Christianson, with respect to this question
15 about external hard drives, were you provided any backup
16 discs or hard drives to review?

17 A. I was not.

18 Q. Are you aware that there was a box found in the
19 search warrant that was labeled backup discs?

20 A. I was not aware of that.

21 Q. And you weren't given that, obviously?

22 A. I was not.

23 Q. All right. With respect to the deletion of or
24 the recovery of the entire mailbox, the reformatting
25 issue that we discussed and the problem of viruss or

1 reformatting, that could very well lead to the
2 elimination of an entire mailbox?

3 A. That's possible, yes.

4 Q. And that mailbox could very well have existed
5 on any of the backup media that were found but not
6 provided to you?

7 A. That's possible, yes.

8 MR. WAX: Thank you, sir.

9 MR. CARDANI: Nothing else, Your Honor.

10 THE COURT: Thank you. You may step down.
11 We'll take a short break, Jurors.

12 MR. CARDANI: May the witness be excused, Your
13 Honor?

14 THE COURT: Excuse me?

15 MR. CARDANI: May the witness be excused?

16 THE COURT: Yes.

17 (Jury exits the courtroom at 11:09 a.m.)

18 THE COURT: Which exhibits do you need a ruling
19 according to your records?

20 MR. WAX: Excuse me, Your Honor?

21 THE COURT: Which exhibits do you need a ruling
22 according to your records?

23 MR. WAX: The SW-1, EK-7, and EK-7A.

24 MR. CARDANI: Don't -- we have some confusion,
25 Your Honor. EK-7 as having been admitted by the court.

CERTIFICATE

I, Deborah Wilhelm, Certified Shorthand Reporter for the State of Oregon, do hereby certify that I was present at and reported in machine shorthand the oral proceedings had in the above-entitled matter. I hereby certify that the foregoing is a true and correct transcript, to the best of my skill and ability, dated this 1st day of September, 2010.

/s/ Deborah Wilhelm

Deborah Wilhelm, RPR
Certified Shorthand Reporter
Certificate No. 00-0363